

Council Policy No.:	C 148 CAO 035
Council Policy Name:	Accountability and Transparency
Date Approved by Council:	September 22, 2015 CR2015-980
Date revision approved by Council:	

Policy Statement and Rationale:

The Municipal Act, 2001, Section 270(1) 5 states that “A municipality shall adopt and maintain policies with respect to the following matters:

5. The manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public.

A value of the City of Kawartha Lakes Community Vision is to have “Good Government”.

The City of Kawartha Lakes is an accountable and transparent organization and is committed to:

- Openness and fairness when transacting municipal business
- Efficient and effective financial management
- An open, responsive meeting process that ensures citizens have access to and awareness of the council/committee business being discussed
- Encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions
- Delivering high quality services to our citizens
- Promoting the efficient use of public resources
- Providing access to public information consistent with legislative requirements
- Ensuring staff and Council conduct themselves in accordance with corporate values as outlined in the strategic plan

- Responding in a timely manner to inquiresinquiries, concerns and complaints
- Ensuring delegated responsibilities are documented and include appropriate oversight
- Knowing, understanding and following any legislative mandate approved by the Provincial or the Federal government.

Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the municipality adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders. In addition, wherever possible, the municipality will engage its stakeholders throughout its decision making process which will be open, visible and transparent to the public.

The purpose of this policy is to provide a framework policy to recognize the various municipality's activities and services which address the principles as outlined herein and to comply with the legislation as referenced herein.

Scope:

This policy applies to all Members of Council, Committees of Council, Local Boards and Task Forces in the political process and decision making and Staff for the administrative management of the municipality.

Definition(s):

Accountability – The concept or principle that a municipality is responsible to its stakeholders for their actions, inactions, decisions made and policies implemented and may be required to explain them and be answerable for resulting consequences.

Transparency – The concept or principle that the municipality actively encourages and fosters stakeholders participation and openness in its decision making processes. The municipality is open, clear and visible to those we serve. Additionally, transparency means that the municipality's decision making process is open and clear to the public. Citizens must be able to "see through" a municipality's inner workings to know exactly what goes on when public officials transact public business.

Policy:

1. Corporate Values

This policy supports the guiding principles and adopted corporate values of the City of Kawartha Lakes, in particular, the value of "Good Government" and "Community Focus" in alignment with the Strategic Plan.

2. Operating Principles

The City develops and approves policies that contribute to creating an open, accountable, and transparent public organization through three primary categories as outlined within this section. This policy is to function as the framework policy to acknowledge the municipality's efforts and commitment to managing policies associated with accountability or transparency principles.

- 2.01 **Municipal Act Policies:** The following policies are examples of those policies required by the Municipal Act, as amended, and/or which are identified as optional within the Municipal Act, and which promote accountability and transparency. The procedural by-law, sale of land policy, hiring of employees policy, procurement of goods and services, public notice and associated processes, meeting investigator, and delegation of powers and duties to committee, local boards and individuals. This policy is to function as the umbrella policy for the requirements of the Municipal Act, 2001.
- 2.02 **Other Legislated Requirements:** The City is responsible for a diverse range of responsibilities. In many cases legislation other than the Municipal Act mandates processes for Council to follow. Examples of these legislative requirements would include, and not be limited to, be the Municipal the Conflict of Interest Act, the Municipal Freedom of Information and Protection of Privacy Act, the Planning Act, the Drainage Act, the Environmental Assessment Act, the Safe Water Drinking Act, the Long Term Care Homes Act, and Health Protection and Promotion Act. Many of these have public processes relating to reporting, notification to the public and public meeting protocols.

The City also has several funding partners such as the provincial and federal levels of government. These funding partners also impose financial reporting responsibilities onto the City.

- 2.03 **Other City Requirements:** Other City policies and procedures are also developed in response to Community and Corporate needs. Examples of these policies include the Corporate Mission Statement, Annual Business Plans, quarterly reporting activities Strategic Plan, Other Corporate Business Plans, Human Resources Policies, Financial Protocols, and Public Communications and decision-making. Some examples of these include the following:

a) Financial Matters:

- External Audit required annually
- Reporting/Statements on Capital and Operating Budget – done quarterly

- Long Term Financial Planning
- Asset management
- Purchasing/procurement
- Sale of Land
- Budget Process through public notice and public meeting

b) Human Resources Matters:

- Performance Management and Evaluation Processes
- Recruitment Policy
- Training and Continuous Education Plans
- Health and Safety Policies
- Wellness initiatives
- Compensation Disclosures based upon other legislation
- ~~Email, Internet and Electronic records policies~~

c) Public Participation, Communications and Information Sharing:

- Procedural By-Law
- Open Council Meetings, except when permitted under the Municipal Act as amended, to be in Closed Session.
- Notice provided of Open and Closed meetings in accordance with the Municipal Act as amended.
- Policy and Procedure in place to investigate complaints dealing with Closed Session in accordance with the Municipal Act as amended.
- Policy and Procedure in place to investigate Code of Conduct and Municipal Conflict of Interest Requests for Investigations.
- Providing access to credible information that can be obtained through routine disclosure and in accordance with Municipal Freedom of

Information and Protection of Privacy Act (MFIPPA) and Personal Health Information Protection Act (PHIPA).

- Delegation of Council Powers and Duties
- Records Retention By-Law
- Planning Processes
- Public Notice by-law or policy
- Delegation of Signing Authority
- Departmental ~~Quarterly~~ Reporting as directed by Council.

2.04 Schedule “A” to this policy provides a more comprehensive listing of existing by-laws and policies which provide and/or promote Accountability and Transparency within this organization.

3. General Provisions

3.01 This policy shall be reviewed ~~during the second year of~~ every term of Council with the Schedule to be updated accordingly. ~~The Schedule to this policy shall be updated annually or as required.~~

3.02 The City Clerk shall be responsible for collecting concerns or complaints related to this policy.

Upon notification of a concern/complaint, the Clerk shall notify:

- In the case of staff, the CAO
- In the case of closed meetings, the meeting investigator
- In the case of Council, the Mayor.

Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
1	December 11, 2007	Initial Release	
<u>2</u>	<u>September 22, 2015</u>	<u>Revised</u>	

Schedule “A”

The chart below is a cursory review of the activities and practices that hold the City accountable and transparent.

While this has been an extensive review, the list should not be viewed as completed. It is only some of the highlights. Staff will endeavour to update this annually as identified within the policy.

Activity and Reference	Responsible Department/ <u>Division</u>	Comments
External Audit	Finance	Municipalities are required to undertake an annual audit (Municipal Act Section 296). The auditor must be appointed by Council. The auditor is required by law to remain independent and must follow a strict set of standards of evaluation. The City undertakes to review their auditor every year in order to maintain financial integrity. Part of the audit includes the submission of the Financial Information Return (FIR) to the Province.
Audit Committee	Finance	The purpose of the Audit Committee is to provide oversight responsibility for the financial reporting process, identification and management of potential risk, and guardian of the Municipality's integrity in the context of ensuring ultimate accountability to ratepayers.
Purchasing by-law and reporting <u>Purchasing Policy</u> Policy Number 001 FD 001	Finance	This by-law clearly identifies the process for the purchase of goods and services for the municipality and its local boards. Limits are set. The by-law includes conflict of interest policies for Council and staff. The by-law also includes requirements for the sale or disposal of corporate assets.
Budget Policy Policy Number 089 CAO 016	Finance	This policy clearly identifies the requirement to develop and present capital and operating budgets.

Activity and Reference	Responsible Department/ <u>Division</u>	Comments
Financial Reporting	Finance	Quarterly Reporting of results of capital and operating to Council, <u>as required-</u> Public Report.
Development Charges By-law By-law Number 2019-184	Development Services <u>Engineering and Corporate Assets</u>	Annual reporting of the actual expenditures and proposed expenditures is required. Also a legislated requirement to review the by-law within a 5 year time frame.
<u>Signing Authority for the Execution of Certain Documents</u> By-law Number s 2004-029 as amended By-law Number 2006-1522016-009, as amended	Clerk	This by-law sets out the authority of staff to sign documents. The by-law augments the purchasing by-law however it is not limited to purchases. This bylaw allows staff to enter into contractual agreements within defined limits. The requirement to escalate signing of documents is also outlined in the by-law.
<u>By-Law To Outline the Form, Manner and Timing of the Provision of Notices Required Under the Municipal Act, 2001</u> <u>Notice Requirements</u> By-law Number 2008-0652015-095	Clerk	Council has a current policy <u>by-law</u> requiring the notification of public. The general standard is 21 days notice.
<u>Real Property Acquisition Policy</u> Acquisition and Sale of Land By-law Number 2001-0892015-104	CAO	This by-law implemented the Acquisition of Real Property Policy. This policy defines the requirements for the sale and acquisition of land. The policy has been in place for several years and is currently under review.
Disposition (Sale) of Land By-Law Number 2010-118	CAO	This by-law defines the requirements for the disposition of municipally owned real property.

Activity and Reference	Responsible Department/ <u>Division</u>	Comments
Employment of Relatives (Nepotism) Policy Number 006 HR 005 Recruitment Policy (Policy CP2021-020)	Human Resources	<p><u>The Corporation of the City of Kawartha Lakes is committed to transparent and merit based selection in all of its hiring decisions. Applicants will be recruited to fill vacant positions on a competitive basis and in accordance with all applicable Collective Agreement language and employment legislation.</u></p> <p>This policy was development as a response to changes made to the Municipal Act. The policy 006HR005 was adopted by Council on March 12, 2002 and it identifies that the City will not hire a spouse, parent, or child of an elected official, CAO, or member of senior management. It also limits where spouse, parent or child may be hired if the existing employee is in management/supervision.</p>
Closed Meeting Requirements By-law Number 2002-09 Municipal Act, 2001 s.239(2)	Clerk	Staff is required to indicate the legislative authority or reason for a closed meeting. Agendas are limited to the activities identified on the agenda and the resolution to go into closed session. Pecuniary interests are reported out as required. Separate minutes are prepared and adopted by Council of closed session.
Performance Measurement – MPMP	Finance is the lead for the measures however there is extensive department involvement	Finance is required to submit municipal performance measure directly to the province on a number of matters. Information on these measures is available publicly for all municipalities in Ontario.
Review of case law and legislation and regulations	CAO	Staff from various departments constantly review legislative changes and case law in order that the City stays current and to date in its activities.

Activity and Reference	Responsible Department/ <u>Division</u>	Comments
		Outside legal counsel also alert staff of any changes.
Reporting	All Departments	There are a number of reports that are prepared quarterly, semi-annually, annually <u>regularly</u> for Council they include: Departmental Quarterly Reports, Capital Budget Results, Operating Budget Reports, Council remuneration, summary of tenders and proposals approved by the Mayor and CAO, membership fees for the City, debenture reports, investment reports, write offs and uncollectibles, tax policies, grants to volunteer organizations, accessibility planning, social services reports, annual water quality report, building permit report.
Financial reports and general reporting to the Province and Federal Government	All Departments	Many departments have a responsibility to their funding partners to submit financial reports on an annual or semi-annual basis. Reporting is usually specific to a program or project: OSTAR, COMRIF
Compliance with various disclosure provisions in the Long-Term Care Homes Act (the Act)	Health and Social Services <u>Human Services</u>	Examples: The Act requires that Residents of long-term care homes have access to their individual care plans. Further, inspection reports and the detailed annual budget must be disclosed to the Resident and Family Councils. Basic information about Victoria Manor must be posted to the Ministry's website and is available at Victoria Manor.
Council and Employee Expense Policies Policy Number 116-HR-031 Policy Number 003-HR-002 and	All Council and Staff <u>All Departments</u>	These policies were created to ensure accountability of Council and Staff through various approval processes. It also sets limits on spending.

Activity and Reference	Responsible Department/ <u>Division</u>	Comments
Recruitment and Selection Policy Policy Number 069 HR 030		Ensures fair and consistent hiring policies
Agenda and Reporting Policy Policy Number 075 CAO 013		Advises how city issues will be reports through the standing committee and council system — ensures the public has access to this material
Corporate Vehicle Policy Policy Number 100 CAO 017 Non-Emergency Fleet Policy GP2016-016	<u>Public Works</u>	The Council Policy, along with the associated Management Directives, <u>Council</u> sets parameters for use of city owned vehicles
Policy Number 117 FD 012 Financial Management Policy GP2017-005	Finance	Council has set parameters to deal with the control, administration and management of the Corporation's surplus funds, investment portfolio and debt management. <u>debt issues</u>
	<u>Finance</u>	Council has set parameters to be used in investment of corporate assets
Use of Corporate Assets Various Policies	<u>All Information Technology (IT)</u>	Council has adopted several policies to set the rules for use of corporate assets and equipment such as computers, telephones, etc,
Corporate Records By-law Number 2017-006	<u>City Clerk's Office</u> <u>All</u>	Council has established a corporate records management system to protect corporate records
Emergency Plans and Planning By-law Number 2004-157 2020-027	Emergency Services <u>Primary — All participate</u> <u>Fire Services</u>	An annual exercise is conducted to provide training and improvement to the system. <u>An Emergency Management Plan is maintained by the City.</u>
Various Levels of Service Policies <u>(Various)</u>	Primarily in the Public Works Area <u>All Departments</u>	This allows for <u>consistent and more responsive service delivery</u> to the public on operational issues.

Activity and Reference	Responsible Department/ <u>Division</u>	Comments
<u>By-law to Regulate the Disposition of Municipal Real Property</u> Land Sale CR2015-980	CAO – Legal	This allows the Land Management Coordinator <u>Realty Services Manager</u> or CAO to negotiate the legal fees and advertising costs of municipal property and gives signing authority for all surplus municipal land and listing documentation and any documentation associated with the receipt of an offer.